



## Legislation Details (With Text)

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**On agenda:** 5/9/2023    **Final action:** 5/9/2023  
**Title:** RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING BUT NOT LIMITED TO CEQA GUIDELINES 15301, 15304, 15306, 15307, AND 15308, AND AUTHORIZING AGREEMENTS WITH WSP USA ENVIRONMENT AND INFRASTRUCTURE, INC., WESTON SOLUTIONS, INC, AND DUDEK FOR AS-NEEDED ENVIRONMENTAL ANALYTICAL SERVICES FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$3,000,000 FOR A PERIOD OF 5 YEARS. FUNDS FOR FY 2023 HAVE BEEN BUDGETED IN THE DISTRICT'S NON-PERSONNEL EXPENSE BUDGET. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 6. 2023-0089 Attachment A - Agreement 36-2023RH - WSP, 2. 6. 2023-0089 Attachment B - Agreement 34-2023RH - Dudek, 3. 6. 2023-0089 Attachment C - Agreement 35-2023RH - Weston Solutions Inc, 4. 6. 2023-0089 Draft Resolution

Date	Ver.	Action By	Action	Result
5/9/2023	1	Board of Port Commissioners	adopted	

**DATE:** May 9, 2023

**SUBJECT:**

RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING BUT NOT LIMITED TO CEQA GUIDELINES 15301, 15304, 15306, 15307, AND 15308, AND AUTHORIZING AGREEMENTS WITH WSP USA ENVIRONMENT AND INFRASTRUCTURE, INC., WESTON SOLUTIONS, INC, AND DUDEK FOR AS-NEEDED ENVIRONMENTAL ANALYTICAL SERVICES FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$3,000,000 FOR A PERIOD OF 5 YEARS. FUNDS FOR FY 2023 HAVE BEEN BUDGETED IN THE DISTRICT'S NON-PERSONNEL EXPENSE BUDGET. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

**EXECUTIVE SUMMARY:**

In furtherance of its environmental stewardship mission, the District conducts various environmental studies in San Diego Bay and on the District-managed land surrounding the bay. These studies are an integral part in understanding the chemical and physical condition of the bay environment. The studies may also be a requirement of environmental permitting or regulatory compliance. Consultants assist the District with this work by providing technical expertise and scientific analysis to ensure the

most current industry-accepted methods and approaches are utilized.

Pursuant to BPC Policy No. 110, District staff issued a Request for Qualifications<sup>1</sup> (RFQ) in December 2022 seeking up to three qualified firms to continue as-needed environmental analytical services. The RFQ was advertised through Planet Bids to a total of 922 companies. Three firms submitted proposals and were selected as finalists by staff. Based on the written proposals and a decision analysis process using the criteria stated in the RFQ, staff recommends that the Board of Port Commissioners (Board) select WSP USA Environment and Infrastructure Inc. (WSP), Dudek, and Weston Solutions Inc. (Weston) for the as-needed Environmental Analytical Services agreement. All three firms are contracted through the current As-needed Environmental Analytical Services agreement and have performed well. Upon Board approval, Agreement #36-2023RH, # 34-2023RH, and # 35-2023RH (Attachments A, B, C, respectively) between the District and the three firms would be executed for a period of five years and for an aggregate amount not to exceed \$3,000,000.

### **RECOMMENDATION:**

Adopt a resolution selecting and authorizing agreements with WSP, Dudek, and Weston to provide as-needed environmental analytical services for an aggregate amount not to exceed \$3,000,000 for a period of five years. All funds required for future fiscal years will be budgeted in the appropriate fiscal year, subject to Board approval upon adoption of each fiscal year's budget.

### **FISCAL IMPACT:**

Funds for the first year of this expenditure are budgeted in the FY 2023 Environmental Protection (EP) Professional Services cost account or otherwise included in the applicable project budgets of the District's major maintenance or capital improvement programs as approved by the Board. Funds required for future fiscal year(s) will be budgeted for in the appropriate fiscal year and cost account subject to Board approval upon adoption of each fiscal year's budget.

### **Compass Strategic Goals:**

This agenda item is to authorize consultant agreements for as-needed environmental analytical services. These services will support District staff in promoting a clean San Diego Bay and maintaining compliance with environmental regulatory and permit requirements, support the District's capital improvement and major maintenance programs, and further the District's environmental stewardship. Protecting water quality ensures that the waterfront remains vibrant, safe, healthy and accessible. Therefore, this agenda item supports the following Strategic Goal(s):

- A Port that the public understands and trusts.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.

### **DISCUSSION:**

The District's organizational vision is an innovative, global seaport supporting commerce, community, and the environment. Accordingly, the District seeks to implement programs and projects that align

San Diego Bay water quality protection and enhancement with the varied uses of District tidelands. To help the District successfully achieve its water quality goals and maintain compliance with regulatory permits, the District utilizes qualified consulting firms to provide technical expertise in developing work plans, conducting scientifically sound sample collection, laboratory analysis, modeling, and reporting for various in bay and landside studies. These studies benefit the District's capital improvement, major maintenance, and environmental protection programs. The District also conducts various environmental studies to further the success of the District's environmental stewardship efforts and as a requirement of environmental permits for projects, and to maintain compliance with environmental regulations.

Currently, the District maintains as-needed agreements for environmental analytical services with firms including WSP USA Environment and Infrastructure Inc. (WSP), Dudek, and Weston Solutions, Inc. (Weston). The agreements are structured as time and materials contracts, with work assignments authorized via a task authorization. Prior to issuing individual task authorizations, District staff defines a scope of work and an appropriate fee is negotiated. The existing agreements will expire in July 31, 2023<sup>2</sup>. Examples of the tasks completed under the existing agreements include:

- Technical assistance with the District's Jurisdictional Runoff Management Program.
- Monitoring and technical support for the Shelter Island Yacht Basin Copper Total Maximum Daily Load (TMDL) and the Shelter Island Shoreline Park Bacteria TMDL.
- Development and implementation of an In-water Hull Cleaning Pause study.
- Technical assistance with Investigative Orders and state-wide trash stormwater regulations issued by the Regional Water Quality Control Board (RWQCB).
- Development and implementation of the Marine Terminals Stormwater Program.
- Dry and wet weather stormwater sampling and analysis.
- Monitoring and technical support for Blue Economy Incubator Program and aquaculture projects.

### DEI and Procurement Process

Pursuant to BPC Policy No. 110, District staff issued RFQ #22-45RH on December 8, 2022, seeking qualified firms to provide as-needed stormwater management services. The DEI principles have been incorporated into this solicitation process.

The RFQ was advertised through Planet Bids to a total of 922 companies. An RFQ information exchange meeting was conducted on January 17, 2023, which six firms attended. On February 9, 2023, three proposals were received, and all were deemed acceptable. DEI information for each firm was also required to be included as part of their proposal submittal packet. The three proposals came from the incumbents under the current as-needed environmental analytical services agreement. Table 1 lists the three firms that submitted proposals and includes the average hourly rates from each respective firms' service provider agreement.

Table 1. Firms Submitting Proposals for RFQ 22-46RH

Firm	Local Office	Average of Fully Burdened Rate Per Hour
WSP	9177 Sky Park Court San Diego, CA 92123	\$163
Dudek	605 Third Street Encinitis, CA 92024	\$221
Weston	5817 Dryden Place, Suite 101 Carlsbad, CA 92008	\$135

The District's DEI and Procurement departments also participated and supported the RFQ advertisement and selection process by reviewing their relevant sections and administratively supporting the RFQ. Proposals were evaluated by a panel comprised of District staff from four departments: Environmental Protection, Aquaculture and Blue Tech, Engineering, and Procurement Services. A decision analysis was completed by the selection panel where each firm was evaluated and ranked based on the information gathered through written proposals using the following criteria: experience of proposed staff, approach to the project, capability to perform, fair and reasonable cost, and firm's relevant experience. DEI bonus points were also included as part of the evaluation. The evaluation matrix from the Decision Analysis is included as Table 2.

Based upon the qualifications and information provided in the written proposals, it was determined that all three firms were well qualified and bring a wealth of knowledge and unique perspectives that would support the District's environmental and analytical efforts. The three firms demonstrated solid experience with the issues relevant to the District such as regulatory compliance, stormwater management, TMDLs, water and sediment quality, building and maintaining positive relations with the San Diego Water Board and other regulatory agencies, and in working with other ports in California. All three firms are locally established and can respond in a timely manner. District staff have been satisfied with the performance of all three firms, with each firm demonstrating timely responses and submittals of project deliverables. In addition, there were minimal changes to each firm's proposed team between the current and the new as-needed agreements which will provide continuity of services. As such, the review panel determined that the best option for this RFQ was to select all three firms and forego interviews.

The decision analysis was completed based on the information gathered in the written proposals. Based on this evaluation process, staff recommends Board approval of as-needed agreements with all three firms: WSP, Dudek, and Weston.

Table 2. Evaluation Matrix for RFQ 22-46RH - As Needed Environmental Analytical Services

		Dudek		Weston Solutions		WSP	
EVALUATION CRITERIA	WEIGHT	Score	Total	Score	Total	Score	Total
EXPERIENCE OF PROPOSED STAFF	10	10	100	9	90	10	100
APPROACH TO THE PROJECT	9	9	81	8	72	10	90
CAPABILITY TO PERFORM	8	9	72	9	72	10	80
FIRM'S RELEVANT EXPERIENCE	6	8	48	9	54	10	60
FAIR AND REASONABLE COST	5	8	40	10	50	9	45
<b>TOTALS</b>			<b>341</b>		<b>338</b>		<b>375</b>
DVBE/DISABLED STAFF			0		0		5
VETERANS STATUS			0		5		5
<b>GRAND TOTALS</b>			<b>341</b>		<b>343</b>		<b>385</b>

Additional details about the firms are provided below.

### **WSP USA Environment & Infrastructure Solutions, Inc.**

WSP has a corporate office in San Diego, California and is a full service environmental and geotechnical company offering professional engineering, scientific, and regulatory services. The proposed project manager and staff have worked with the District for over two decades and have in-depth knowledge of San Diego Bay and in-depth experience with complex sediment and water quality issues. WSP currently assists the District on projects such as the Regional Harbor Monitoring Program (RHMP), the Shelter Island Yacht Basin Copper TMDL, and the Long-Term Monitoring of Former Campbell Shipyard Sediment Cap.

WSP's proposed team is led by Barry Snyder, as Principal-in-Charge and, and Marisa Swiderski, as Deputy Project Manager. Together, they bring over 40 years of experience related to aquatic sciences and management of environmental projects for a diversity of clients.

WSP proposes to utilize the following subconsultants under this agreement:

- FMF Pandion - Encinitas, California; watershed assessment services, pollutant source tracking,
- Laboratory Data Consultants, Inc. - Carlsbad, California; analytical data review and validation, and QA report preparation,
- Merkel & Associates, Inc. - San Diego, California; Caulerpa, eelgrass, EFH, habitat restoration.
- Physis Environmental Laboratories, Inc. - Anaheim, California; chemical analysis of sediment, water and tissue samples,
- Seaventures, Inc. - Dana Point, California; vessel operations,
- Six Scientific Service - San Marcos, CA; vessel operations,
- Weck Laboratories, Inc. - Hacienda Heights, California; chemical analysis of sediment, water and tissue samples.

In its proposal, WSP showed it understood the District's needs and demonstrated that it could assist the District in meeting its technical support needs effectively and within budget. The approach was creative, well thought out, and scientifically based. Its approach focuses on the use of in-house staff and laboratory capabilities while using subconsultants for specific tasks and additional analysis

capability. DEI principles were incorporated into WSP's project team. WSP and proposed subconsultants collectively met the following DEI status: small business enterprise, woman owned, minority owned, disabled owned, and veteran owned. As such, staff recommends the selection of WSP for this environmental analytical services agreement.

### **Dudek**

Dudek has corporate office in Encinitas, California and is an environmental and engineering firm experienced in stormwater and water quality projects, regulatory compliance and reporting, multi-media sampling and reporting, and resource permit assistance. Dudek has assisted the District for over a decade with various projects including the Marine Terminals Stormwater Action Plan, the District's compliance plan for state-wide trash stormwater regulations, drainage analysis, and Port Master Plan Updates.

The firm's proposed Project Manager is Mr. Bryn Evans, CPSWQ. Mr. Evans has 23 years of experience in the local water quality and regulatory environment.

Dudek proposes to utilize the following subconsultants under this agreement:

- Action Research - Oceanside, California; public opinion, education and outreach programs;
- D-Max Engineering, Inc. - San Diego, CA; regulatory compliance support and sample collection and analysis;
- Enthalpy Analytical - San Diego, California; toxicity and bioaccumulation analysis for permits and TMDLs;
- Eurofins Environment Testing Southwest, LLC - Tustin, California; chemical analysis of water, sediment and tissue samples;
- Michael Baker International - San Diego, California; regulatory compliance support and sample collection and analysis; and,
- Pi Environmental, LLC - San Marcos, California; sample collection and analysis.

In its proposal, Dudek clearly showed that it understands the District's needs, the requirements of the potential services required under this agreement, and the complex nature that working within a Port environment brings to a project. Its approach was clear and well thought out, with a well-defined QA/QC component. DEI principles were incorporated into Dudek's project team, such as involving subconsultants that met the following DEI status: small business enterprise, woman owned, and minority owned. As such, staff recommends the selection of Dudek for this environmental analytical services agreement.

### **Weston Solutions, Inc.**

Weston has a corporate office in Carlsbad, California and is an environmental resource consulting firm experienced in watershed management, water and sediment quality management, environmental restoration, hazardous waste assessment, and design-build construction. In addition, Weston has experience designing and implementing extensive sampling and monitoring programs in the region, such as the Southern California Bight (Bight) Regional Studies and County of San Diego Watershed Monitoring Programs of which the District participates.

The Weston Team is led by proposed Principal Project Manager, Sheila Holt. Ms. Holt offers 29 years of relevant experience developing and managing large and small scale multi-disciplinary marine and

watershed monitoring programs for regulatory compliance and regional monitoring programs. Also included on the team is Daniel McCoy as Assistant Project Manager with 23 years of experience conducting environmental resource assessments.

Weston proposes to utilize the following subconsultants under this agreement:

- D-Max Engineering, Inc. - San Diego, California; JRMP support and stormwater compliance.
- Katz & Associates, Inc. - San Diego, CA; Education and outreach,
- MBC Aquatic Sciences (MBC) - Costa Mesa, California; surveying services.
- Six Scientific Service - San Marcos, California; marine and stormwater monitoring and sampling services,
- EcoAnalysts, Inc. - Port Gamble, WA; laboratory analysis of water, sediment and tissue samples, toxicology services,
- Enthalpy Analytical (formerly Nautilus Environmental) - San Diego, California; bioassay and toxicity analysis,
- Eurofins Calscience, LLC. (Eurofins) - Tustin, California; laboratory services,
- Weck Laboratories, Inc. (Weck) - Industry, CA; laboratory services.

In its proposal, staff and the subcontractors demonstrated considerable experience with similar jurisdictions as the District. Weston is able to perform efficiently through in-house staff and laboratory capabilities, while integrating the use of subconsultants to address particular project needs. DEI principles were incorporated into Weston's project team. Weston and proposed subconsultants met the following DEI status: small business enterprise, minority owned, woman owned, disabled owned, and veteran owned. Weston also provided the best value for services amongst the firms. As such, staff recommends the selection of Weston for this environmental analytical services agreement.

#### Recommendation

Based on the proposals, WSP, Dudek, and Weston were all determined to be qualified and cost-effective consultants for this agreement. As such, staff recommends adopting a resolution selecting and authorizing agreements with WSP, Dudek, and Weston in an aggregate amount not to exceed \$3,000,000 for a period of five years, from June 2023 through June 2028.

#### **General Counsel's Comments:**

The General Counsel's office reviewed this agenda and approved the proposed agreements as presented to it as to form and legality.

#### **Environmental Review:**

The proposed Board Action, including without limitation, authorizing agreements with WSP USA Environment, Infrastructure Solutions, Inc., Dudek, and Westin Solutions, Inc. for as-needed environmental analytical services is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15306 (Information Collection), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), and 15308 (Actions by Regulatory Agencies for Protection of the Environment). The proposed agreements are determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's Guidelines for Compliance with CEQA as identified above. These are appropriate for the agreements because they involve no expansion of use beyond those previously existing, no permanent effects on the environment, provide data collection,

research, resource evaluation activities, and potentially responding to requests from regulatory agencies which would not result in a serious or major disturbance to an environmental resource. The District has determined none of the five exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

The proposed Board Action complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board Action is consistent with the Public Trust Doctrine.

The proposed Board Action is considered excluded development pursuant to Sections 8.a.(2) and (3) (Existing Facilities), 8.d(4) (Minor Alterations to Land), 8.e. (Information Collection), and 8.f (Inspections) of the District's Coastal Development Permit Regulations because the agreements for environmental analytical services would involve no expansion of use beyond that previously existing, data collection and research, and inspections. If the Board approves this Action, District staff would notify California Coastal Commission (CCC) staff in accordance with Coastal Act Section 30717. The approval would become effective after the 10th working day after notification to CCC staff, unless an appeal is filed with the CCC within that time frame.

### Equal Opportunity Program:

An 18% Small Business Enterprise (SBE) goal was established for this agreement. All firms interviewed identified SBEs as part of their teams at or above the 18% goal.

Respondent	SBE Cert	Subs	Subs Cert	DEI Bonus Category		DEI Policy	Total Workforce			Executives		
				DVBE or Disabled Staff	Veteran Status or Staff		Total	Women	Diversity	Total	Women	Diversity
Dudek	No	Action Research	Yes	No	No	Yes	741	342	217	88	39	16
		D-Max Engineering, Inc.	Yes									
		Enthalpy Analytical	No									
		Eurofins Environment	No									
		Testing Southwest, LLC	No									
		Michael Baker, International	No									
Weston Solutions, Inc.	No	Pi Environmental LLC	Yes	No	Yes	Yes	962	346	191	318	79	43
		D-Max Engineering, Inc.	Yes									
		Katz & Associates, Inc.	Yes									
		MBC Aquatic Sciences	Yes									
		Six Scientific Service	Yes									
		EcoAnalysis, Inc.	No									
WSP	No	Enthalpy Analytical	No	Yes	Yes	Yes	3481	1146	749	718	210	95
		Eurofins Calscience, LLC	No									
		Weck Laboratories, Inc.	Yes									
		FMF Pandion	Yes									
		Laboratory Data Consultants, Inc.	Yes									
		Merkel & Associates, Inc.	Yes									

### **PREPARED BY:**

Stephanie Bauer

Program Manager, Environmental Protection

Attachment(s):

Attachment A: Draft Agreement No. 36-2023RH with WSP USA Environment and Infrastructure Inc. (WSP) (pending Board approval)

Attachment B: Draft Agreement No. 34-2023RH with Dudek (pending Board approval)



**Attachment C:**      **Draft Agreement No. 35-2023RH with Weston Solutions, Inc. (pending Board approval)**

<sup>1</sup> Request for Qualifications (RFQ) 19-31JR As-Needed Environmental Analytical Services, D2# XXXXXXX

<sup>2</sup> Clerk # XXXXX (WSP agreement), Clerk # XXXXX (Dudek agreement), Clerk #XXXXXX (Weston agreement)

<sup>3</sup> California Regional Water Quality Control Board San Diego Region Order No. R9-2013-0001 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the San Diego Region, as amended by Order Nos. R9-2015-0001 and R9-2015-0100.

[<https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/sd\\_stormwater.html>](https://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/sd_stormwater.html)